

REMARKS

In the Office Action, the drawings have been objected to under 37 CFR 1.84(p)(5) because they include the reference character(s) L3a, L3b, L4a, L4b not mentioned in the description. In addition, claims 16-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Banks et al., U.S. Patent No. 5,180,121 ("Banks").

In this response, claim 16 has been amended. Claims 16-30 are currently pending in this application.

It should be noted that the amendment is not in acquiescence of the Office's position on the allowability of the claims, but made merely to expedite prosecution. Reconsideration of the application in view of the amendments and following remarks is respectfully requested.

Drawings Objections under 37 CFR 1.84(p)(5):

The drawings were objected to because they include the following reference character(s) not mentioned in the description: L3a, L3b, L4a, L4b.

Applicants respectfully submit that said reference characters are set forth in paragraph [0031] of the specification. The last two sentences of paragraph [0031] provide: "Each articulated joint G3, G4 has two bearings L3a, L3b, L4a, L4b that are positioned at a distance from each other in the vertical direction Y. Each of these bearings L3a, L3b, L4a, L4b is formed by an eye plate."

Withdrawal of the objections to the drawings is respectfully requested.

Rejections to claims 16-30 under 35 U.S.C. §103(a):

Claims 16-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Banks.

Banks describes an aircraft door actuator for rapidly moving an aircraft door away from the fuselage opening to which the door is attached and more particularly to an aircraft door actuator that includes a piston assembly that functions as the hinge pin of the door assembly with which it is used (column 2, lines 14 to 21). When the actuator is triggered, the piston rod (42) urges the cam follower (46) against the cam (50) so as to cause the cam follower to rotate. The cam follower (46)

in turn rotates the sleeve (44) so as to simultaneously rotate the hinge arm lug (54). The hinge is thereby pivoted away from the hinge clevis so as to urge the aircraft door open. See Abstract and column 2, lines 44 to 54.

Claim 16 has been amended to include a driven element which is non-rotatably coupled to the pivoting drive and to the door and configured to transmit an actuating movement of the pivoting drive to the door. Support for said amendment is set forth, for example, in paragraph [0044] and in original claim 26. Amended claim 16 therefore now recites that the driven element be non-rotatably coupled to the pivoting drive and to the door.

Applicants respectfully submit that Banks does not teach or suggest at least the feature of a driven element non-rotatably coupled to a pivoting drive as is now recited in amended claim 16. The Office asserts that the Banks actuator (12) corresponds to the pivoting drive of claim 16 which includes piston rod (42), and asserts that the Banks splined sleeve (44) corresponds to the driven element of claim 16. Applicants submit, however, that the Banks splined sleeve (44) is not non-rotatably coupled to the piston rod (42), or any other part of actuator (12). See, for example, column 7, lines 49 to 67. On the contrary, in order for Banks to properly function, it is necessary to have a rotatable coupling between piston rod (42) and splined sleeve (44). Moreover, because Banks teaches an emergency door opening device that requires rapid movement of the door, a pneumatic piston actuator preferably using nitrogen gas pressured to 3,000 psi is used (column 6, lines 59 to 68). Thus, a rotatable coupling is necessary in Banks to transfer the axial movement of the piston to a pivoting movement to swing open the door.

Furthermore, Applicants respectfully submit that Banks fails to suggest the feature that the pivoting drive mounting is included on a bearing of a door pivoting axis. Banks expressly teaches that the piston rod (42) is to simultaneously act as the hinge pin of the entire door assembly. Moving the pivoting drive from the frame side axis to the door side axis would result in the piston rod (42) being the hinge pin for the door, vis-à-vis the support arm and not for the entire door assembly. Therefore, moving the piston rod (42) to the door side axis would defeat the further requirement of Banks that the piston rod (42) be the hinge pin for the door assembly.

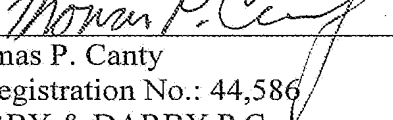
The Applicants submit that Banks does not teach or suggest all the claimed limitations presently required by amended claim 16 to one skilled in the art. Banks cannot therefore render amended claim 16 obvious. All claims dependent on amended claim 16 are also non-obvious. Withdrawal of the rejections to claims 16-30 under 35 U.S.C. §103 is respectfully requested.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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